

**§ 391.71 Intrastate drivers of commercial motor vehicles transporting Class 3 combustible liquids.**

(a) The provisions of § 391.11(b)(1) (relating to minimum age), § 391.21 (relating to application for employment), § 391.23 (relating to investigations and inquiries), and § 391.31 (relating to road test) do not apply to a driver who is otherwise qualified and was a regularly employed driver (as defined in § 390.5 of the subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a commercial motor vehicle that:

(1) Is transporting Class 3 combustible liquids (as defined in § 173.120 of this title), and

(2) Is being operated in intrastate commerce.

(b) In addition to the exemptions provided in paragraph (a) of this section, the provisions of § 391.41(b) (10) (relating to minimum visual requirements), do not apply to a driver who was a regularly employed driver (as defined in § 390.5 of this subchapter) as of July 1, 1975, and continues to be a regularly employed driver of that motor carrier and who drives a commercial motor vehicle that:

(1) Is a truck (as defined in § 390.5 of this subchapter), and

(2) Is operated in retail delivery service, and

(3) Is transporting a Class 3 combustible liquid (as defined in § 173.120 of this title), and

(4) Is operated in intrastate commerce.

[40 FR 54796, Nov. 26, 1975; 40 FR 58858, Dec. 19, 1975, as amended at 53 FR 18057, May 19, 1988; 59 FR 60324, Nov. 23, 1994; 59 FR 63924, Dec. 12, 1994; 60 FR 38745, 38746, July 28, 1995]

**§ 391.73 Private motor carrier of passengers (business).**

The provisions of § 391.21 (relating to applications for employment), § 391.23 (relating to investigations and inquiries), and § 391.31 (relating to road tests) do not apply to a driver who has been a regularly employed driver (as defined in § 390.5 of this subchapter) of a private motor carrier of passengers (business) as of July 1, 1994, so long as the driver continues to be a regularly employed driver of that motor carrier.

Such a driver is qualified to drive a commercial motor vehicle if that driver fulfills the requirements of paragraphs (b)(1) through (b)(9) of § 391.11 (relating to qualifications of drivers).

[59 FR 60324, Nov. 23, 1994, as amended at 60 FR 38745, July 28, 1995]

**Subpart H—Controlled Substances Testing**

SOURCE: 53 FR 47151, Nov. 21, 1988, unless otherwise noted.

**§ 391.81 Purpose and scope.**

(a) The purpose of this subpart is to reduce highway accidents that result from driver use of controlled substances, thereby reducing fatalities, injuries, and property damage.

(b) This subpart prescribes minimum Federal safety standards to detect and deter the use of controlled substances as defined in 49 CFR part 40 (marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP)).

(c) As part of reasonable cause drug testing programs established pursuant to this subpart, motor carriers may test for drugs in addition to those specified in this part only with approval granted by the Federal Highway Administrator under 49 CFR part 40 and for substances for which the Department of Health and Human Services has established an approved testing protocol and positive threshold.

**§ 391.83 Applicability.**

(a) Except for a private motor carrier of passengers (nonbusiness), this subpart applies to motor carriers and persons who operate a commercial motor vehicle as defined in this subpart in interstate commerce and are subject to the driver qualification requirements of part 391 of this subchapter.

(b) This subpart shall not apply to any person for whom compliance with this subpart would violate the domestic laws or policies of another country.

(c) This subpart is not applicable with respect to any foreign-based employee of a foreign-domiciled motor carrier.

[53 FR 47151, Nov. 21, 1988, as amended at 59 FR 8753, Feb. 23, 1994; 60 FR 56, Jan. 3, 1995]